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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,893	09/28/2001	Claus Erdmann Furst	45900-00064	1329

30593 7590 11/27/2007
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER

MEI, XU

ART UNIT	PAPER NUMBER
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2615

MAIL DATE	DELIVERY MODE
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11/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/964,893

Applicant(s)

FURST ET AL.

Examiner

Xu Mei

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5, 7, 17, 18, 36 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 7, 17, 18, 36, and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to the applicant's Appeal Brief dated 08/28/2007

Response to Arguments

2. Applicant's arguments presented in the Appeal Brief filed 08/28/2007, with respect to the rejection(s) of claim(s) 1, 5, 7, 17, 18, 36 and 38 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection with regard to the interpretation of the high pass filter disclosed by Arndt is made follow.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5, 7, 17, 18, 36, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (US Patent 5,796,848) in view of Arndt et al (US-6,421,448, hereafter, Arndt).

Regarding Claims 1 and 5, Martin discloses a microphone assembly of a hearing aid comprising a microphone assembly casing (6) having a sound inlet port (15), a

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transducer for receiving acoustic waves through the sound inlet port (1), and for converting received acoustic waves to analog signals (18), said transducer being positioned within the microphone assembly casing, an electronic circuit positioned within the microphone assembly casing, said electronic circuit comprising a signal path defined by a cascade of a pre amplifier (8) for amplifying analog audio signal from the transducer, and a sigma-delta modulator for providing digital signals (7). Martin does not disclose the microphone assembly further comprises filter means in the signal path between the pre-amplifier and the sigma-delta modulator to prevent low frequency components from reaching the sigma-delta modulator.

Arndt discloses having high pass filter subsequent to microphone contain a coupling capacitor and a resistor is a customary circuit for coupling a microphone signal into an amplifier circuit of a hearing device (see Col. 4, lines 35-40). And it is inherent for such customary high pass filter to prevent or attenuate low frequency components of the microphone input signal. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide or couple a customary high pass filter, as disclosed by Arndt, in signal path between the pre-amplifier and the sigma-delta modulator of Martin in order to attenuating or suppressing the low frequency band interference signal of the microphone input thus to prevent low frequency components from reaching the sigma-delta modulator to ensure more efficient signal processing by hearing aid signal processor of Martin.

Regarding Claims 7 and 38, it is well known in the art that circuits can be formed on integrated circuits to create a smaller circuit. Therefore it would have been obvious

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to one of ordinary skill in the art at the time the invention was made to form the circuit on an integrated circuit in order to create a more compact circuit for a small electronic device such as hearing aid as shown by both Martin and Arndt. And Martin further discloses the device is integrated on a monolithic integrated circuit (see Martin Claim 9).

Regarding Claim 17, Martin further discloses the microphone assembly 6 is connected to a signal processor, which inherently teaches a digital signal processor as the signal was converted to a digital signal prior in the A/D converter 7.

Regarding Claim 18, Martin further discloses the unit as a digital hearing aid (abstract). And Arndt's device is also a hearing aid.

Regarding Claim 36, the high pass filter means of Arndt had an upper critical frequency of 100 Hz (Col. 4, line 20-col. 5, line 28) that inherently is a filter for passing a frequency band (broadly read on as a band pass filter).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xu Mei whose telephone number is 571-272-7523. The examiner can normally be reached on maxi flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Xu Mei/
Xu Mei
Primary Examiner
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11/21/2007